

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDGAR W. TUTTLE, ERIC BRAUN, and  
THE BRAUN FAMILY TRUST by its co-  
trustee ERIC BRAUN, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

SKY BELL ASSET MANAGEMENT,  
LLC, *et al.*,

Defendants.

No. C 10-03588 WHA

**ORDER EXTENDING TIME  
TO DISSEMINATE CLASS NOTICE**

Plaintiffs Edgar Tuttle, Eric Braun, and Eric Braun as co-trustee for the Braun Family Trust and defendant Rothstein Kass & Company, P.C. submitted a joint request for relief from the deadline to disseminate class notice and to file a motion for preliminary approval of the parties' mediated settlement (Dkt. No. 334). The deadline for disseminating the class notice will be postponed until **APRIL 9, 2012**, on the condition that a full and complete settlement agreement is submitted to the Court by **APRIL 2**. Counsel shall file a memorandum along with the settlement agreement, explaining how all of the considerations set forth in the memorandum opinion regarding factors to be evaluated for any proposed class settlement are satisfied.

The Court does not approve of the parties' failure to comply with the referral of this action to Magistrate Judge Spero for mediation and settlement, but that may not necessarily derail settlement. The settlement will be considered on the merits.

1 The parties shall also submit by **APRIL 2**, a final damages expert report by the damages  
2 expert, so the Court can review the percentage of recovery.

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4 **IT IS SO ORDERED.**

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6 Dated: March 23, 2012.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE